

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

ALEXIS H DIAZ DIAZ
AMNERIS MARTINEZ ALVAREZ
DEBTOR (S)

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CASE NO: 10-08803 MCF
CHAPTER 13

**NOTICE OF FILING AMENDED CHAPTER 13 PLAN
AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

COMES NOW DEBTORS, through the undersigned counsel and respectfully to the Honorable Court state and pray as follow:

1. The Chapter 13 plan dated November 15, 2010 is amended to provide for payment of debtors' current disposable income, according to debtors' current financial situation, as disclosed in amended schedule J filed on today's date (d. e. 17).
2. The 341 (a) Meeting of Creditors (341 herein) was rescheduled to be held on November 22, 2010. The confirmation hearing is scheduled for December 2, 2010 at 1:30 PM (d. e. 15).

WHEREFORE, debtors hereby request from the Honorable Court to take notice of the filing of the proposed Amended Chapter 13 Plan and that the same has been served upon all creditors and parties in interest in this case as per the attached master address list.

NOTICE IS HEREBY GIVEN THAT DEBTORS HAVE FILED A PROPOSED CHAPTER 13 PLAN DATED NOVEMBER 15, 2010, WHICH MAY BE APPROVED WITHOUT FURTHER NOTICE OR HEARING UNLESS A WRITTEN OBJECTION IS FILED NOT LATER THAN 10 DAYS PRIOR TO THE CONFIRMATION HEARING TO BE HELD ON DECEMBER 2, 2010 AT 1:30 PM(LBR 3015-2 (e).

Respectfully submitted in San Juan, Puerto Rico, this November 15, 2010

CERTIFICATE OF SERVICE: I hereby certify that on November 15, 2010 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all registered parties, and I hereby certify that I have mailed by United States Postal Service the document along with the amended plan to the non CM/ECF participants as per the amended attached master address list.

*/s/ MADELINE SOTO PACHECO
MADELINE SOTO PACHECO, ESQ.
ATTORNEY FOR DEBTOR (S):
Alexis H. Diaz Diaz and Amneris Martinez Alvarez
USDC 207910
LUBE & SOTO LAW OFFICES
1130 AVE. F. D. ROOSEVELT
SAN JUAN, PR 00920-2906
TEL.: (787) 722-0909 - FAX: (787) 977-1709
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United States Bankruptcy Court
District of Puerto Rico, ~ Division

IN RE:

Case No. 10-08803-13

DIAZ DIAZ, ALEXIS H & MARTINEZ ALVAREZ, AMNERIS

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee directly by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION	<input checked="" type="checkbox"/> AMENDED PLAN DATED: 11/15/2010 Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																															
<p>I. PAYMENT PLAN SCHEDULE</p> <table> <tr><td>\$</td><td>300.00</td><td>x</td><td>2</td><td>= \$</td><td>600.00</td></tr> <tr><td>\$</td><td>200.00</td><td>x</td><td>10</td><td>= \$</td><td>2,000.00</td></tr> <tr><td>\$</td><td>305.00</td><td>x</td><td>48</td><td>= \$</td><td>14,640.00</td></tr> <tr><td>\$</td><td>_____</td><td>x</td><td>_____</td><td>= \$</td><td>_____</td></tr> <tr><td>\$</td><td>_____</td><td>x</td><td>_____</td><td>= \$</td><td>_____</td></tr> </table> <p>TOTAL: \$ 17,240.00</p> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____</p> <p><input type="checkbox"/> Other: _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ 17,240.00</p> <p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 2,650.00</p> <p>Signed: <u>/s/ ALEXIS H DIAZ DIAZ</u> Debtor</p> <p><u>/s/ AMNERIS MARTINEZ ALVAREZ</u> Joint Debtor</p>		\$	300.00	x	2	= \$	600.00	\$	200.00	x	10	= \$	2,000.00	\$	305.00	x	48	= \$	14,640.00	\$	_____	x	_____	= \$	_____	\$	_____	x	_____	= \$	_____	<p>II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Trustee pays secured ARREARS: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. FIRST BANK PUERT Cr. _____ Cr. _____ # CL 3/ 4100-7386-700 # _____ # _____ \$ 11,475.31 \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____ <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <ol style="list-style-type: none"> 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet</p>
\$	300.00	x	2	= \$	600.00																											
\$	200.00	x	10	= \$	2,000.00																											
\$	305.00	x	48	= \$	14,640.00																											
\$	_____	x	_____	= \$	_____																											
\$	_____	x	_____	= \$	_____																											

Attorney for Debtor Lube & Soto Law Offices, P.S.C.

Phone: (787) 722-0909

AMENDED CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 2 of 2

NO NLV
NO PRIORITIES

ORDER OF DISTRIBUTION TO BE MADE BY TRUSTEE:

FIRST: ATTORNEY FEES PURSUANT TO 11 USC 330

SECOND: PRO RATA PAYMENTS TO THE FOLLOWING SECURED CLAIMS' HOLDERS:

-FIRSTBANK- AUTO LOAN 2006 SUZUKI GRAND VITARA THROUGH THE PLAN IN THE AMOUNT OF \$11,475.31(CL-3). INSURANCE TO CREDITOR TO BE PROVIDED BY EASTERN AMERICA INSURANCE CO THROUGH THE PLAN UPON MATURITY OF CONTRACT (6/2012) IN THE AMOUNT OF \$1,353.00 (REFER TO ATTACHMENT I). ADEQUATE PROTECTION TO FIRSTBANK IN THE AMOUNT OF \$180.00 PER MONTH UP TO THE CONFIRMATION OF THE PLAN.

THIRD: PRO RATA DISTRIBUTION TO ALLOWED GENERAL UNSECURED CLAIMS

-AUTO LOAN TO BBVA OVER 2005 SUZUKI FIRENZA REGISTERED ON DEBTOR'S SPOUSE NAME, BUT BELONG TO PEDRO L MARTINEZ RUIZ, BO RIO CHIQUITO CARR 588 KM 3, PONCE, PR 00731. DEBTOR HAS NO INTEREST ON MOTOR VEHICLE. DEBTORS CONSENT TO THE LIFT STAY ON BEHALF OF CREDITOR.

-DEBTOR TO CONTINUE TIMELY PAYMENTS ON CHILD SUPPORT THROUGH ASUME ON BEHALF OF MINOR CHILD OF LUPITA CAQUIAS NEGRON. DEBTOR IS UP TO DATE IN CHILD SUPPORT PAYMENTS.

-TAX REFUNDS, IF ANY, WILL BE DEVOTED EACH YEAR, AS PERIODIC PAYMENTS, TO THE PLAN'S FUNDING UNTIL PLAN COMPLETION. DEBTOR WILL AMEND THE PLAN TO PROVIDE FOR THE PAYMENT OF SUCH REFUNDS AS LUMP SUMS FOR EACH YEAR AS APPLICABLE. IF NEED BE FOR THE USE BY DEBTOR(S) OF A PORTION OF SUCH REFUND, DEBTOR (S) WILL SEEK COURT'S AUTHORIZATION PRIOR TO ANY USE OF THESE FUNDS.

- FAILURE TO TIMELY OBJECT TO THIS PLAN BY A CREDITOR CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT 11 USC 1325 (a)(5).

UNIVERSAL

TM

EASTERN AMERICA INSURANCE COMPANYP.O.Box 71517 San Juan, PR 00936-8617
Tel: (787) 774-9211**Quote ID:**

18835

PREMIUM CALCULATION

Date requested: 9/30/2010 10:16:00AM
By: Fax
Debtor: ALEXIS H DIAZ DIAZ
Join debtor: AMNERIS MARTINEZ ALVAREZ
Case #: 1008803
Esq.: MADELINE SOTO PACHECO

Manufacturer:	SUZUKI	Manufacturer:	GRAND VITARA
Year:	2006	VIN #:	JS3TE943264106363
Lienholder:	FIRST BANK	Loan:	100738670005103
Balance:	\$11,475.00	File Date:	09/23/2010
		Maturity Date:	06/01/2012

\$41.00 (MONTHLY PREMIUM **33 MONTHS).**

TOTAL ESTIMATED COVERAGE IS: **\$1,353.00**



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